

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARVIN McBRIDE,

Plaintiff,

CIVIL ACTION NO. 05 CV 73743 DT

v.

DISTRICT JUDGE GERALD E. ROSEN

TRANS UNION LLC, EXPERIAN
INFORMATION SOLUTIONS, INC.,
EQUIFAX INFORMATION SERVICES,
LLC, and GE CONSUMER FINANCE,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendants.

AGREED ORDER GRANTING DEFENDANT'S MOTION FOR COSTS

This matter is before the court on the motion of defendant Trans Union for Rule 37(d) sanctions. The case was brought pursuant to the Federal Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 *et seq.* based on plaintiff's allegation that his credit report unfairly reflected activity resulting from identity theft. Trans Union is one of four defendants in this action.

During the course of discovery, several attempts were made between counsel to settle the case as to one or more defendants. Also, during this time, a deposition was scheduled. Plaintiff's counsel did not appear at the deposition, although counsel for three of the defendants did, including out-of-town counsel.

According to the transcript of defendant's attorney Baucus at the time of the deposition, plaintiff's counsel indicated by phone that he was not aware that the deposition would go forward. He has since offered to settle the case against Trans Union for zero dollars.

The court finds that plaintiff's counsel and his client should have appeared at the properly noticed deposition. Given the circumstances and considering the arguments of counsel and based upon the agreement at oral argument, the court finds that \$500.00 is a reasonable sanction to impose against plaintiff's counsel.

Therefore, IT IS ORDERED that plaintiff's counsel shall pay to counsel for Trans Union the sum of \$500.00 and shall also present for signature by the district judge a stipulation and order of dismissal for a full and complete dismissal of Trans Union for the sum of zero dollars, with no further costs, fees or sanctions. The money and stipulation shall be tendered no later than 30 days from the date of this order.

SO ORDERED.

Dated: July 14, 2006

s/ Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

The undersigned certifies that the foregoing ORDER was served upon counsel of record via the Court's ECF System and/or U. S. Mail on July 14, 2006.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan